

Report to the Los Angeles County District Attorney
concerning a Brown Act violation by the Los Feliz
Village Business Improvement District Corporation

September 1, 2017

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¹Note that [blue text](#) indicates clickable links internal to this document whereas [green text](#) indicates clickable links to resources on the Internet.

1 Synopsis

1. The Los Feliz Village Business Improvement District Corporation administers a business improvement district in the City of Los Angeles. State law requires such corporations to comply with the Brown Act. In May 2017 the Board of Directors held an extensive email conversation about their participation in a street festival. This clearly falls within the subject matter jurisdiction of the Board. Therefore the email conversation violated the Brown Act’s prohibition on discussing such matters outside an authorized meeting.

2 Background

2. Business improvement districts (“BIDs”) are a form of temporary special assessment district in California. They are authorized and regulated by the [Property and Business Improvement District Act of 1994](#)² (“PBID law”).
3. The PBID law at [§36612](#) requires BIDs to be administered by private non-profit corporations, known as “owners’ associations.” The law explicitly makes owners’ associations subject to the Brown Act:

...an owners’ association shall comply with the Ralph M. Brown Act ... at all times when matters within the subject matter of the district are heard, discussed, or deliberated ...

3 Facts

4. The Los Feliz Village BID is a BID in the City of Los Angeles. The owners’ association which administers the Los Feliz Village BID is called the Los Feliz Village Business Improvement District Corporation (“LFVBIDC”).
5. The members of the 2017 Board of Directors of the LFVBIDC are:
 - (a) Rafik Ghazarian
 - (b) Sarah Loveless
 - (c) Chris Serrano
 - (d) Aimee Benell
 - (e) Rosa Marie Spinoso
 - (f) Cat Martinez
 - (g) Mardi Kari
 - (h) Ziad Richa
 - (i) Dino Pantazis

² California Streets and Highways Code §36600 et seq.

See [Exhibit 1](#) on page 7.

6. On May 17, 2017, LFVBIDC Board President Rafik Ghazarian sent an email to all members of the Board, stating:

Good afternoon LFVBID members,

I have reserved a corner booth for us to represent the Los Feliz Village BID at the Urban Air Market. What I will be doing is making a spreadsheet of our businesses that we can hand out to attendees that day. Let me know if there is anything else you feel we should hand out. This will be a great opportunity for the LFVBID to get exposure. Please let me know by this Friday, May 19th if you can participate and assist in the booth. We will be sharing our space with the Los Feliz Improvement Association. Thank you.

Rafik Ghazarian
President
Los Feliz Village BID

See [Exhibit 2](#) on page 9³

7. Over the next two weeks the Board continued to discuss matters relating to the Urban Air Market, including whether or not they ought to sell tee shirts, what color tee shirts to sell, and other related issues, all of which fall within the subject matter jurisdiction of the LFVBIDC Board. See [Exhibit 3](#) on page 11 for the entire email chain.

4 Conclusion

8. The facts described in [Section 3](#) above constitute a violation of the Brown Act at [§54952.2\(b\)\(1\)](#), which states:

A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

³ I obtained this and the other emails reproduced in this report from the LFVBIDC via the California Public Records Act, to which the owners' associations of BIDs are also made subject by the PBID law at [§36612](#). For unknown reasons the LFVBIDC chose to supply emails by forwarding them to their lawyer, Jeffrey Briggs, who then passed them along to me. That's why they all appear to be from Rafik Ghazarian to J. Briggs rather than to the recipients listed in the body of the email. However, Briggs assures me that, although the records supplied are not exact copies due to the forwarding, the content of the forwarded emails is unchanged.

5 Requested action

9. I ask the Los Angeles County District Attorney to investigate whether these actions constitute a violation of the Brown Act on the part of the LFVBIDC Board of Directors and, if they do, to see that they're held responsible for their actions and be warned not to violate the law in the future.

6 Exhibits

6.1 Exhibit 1 – LFVBID First Quarter Newsletter



The Village Newsletter

2017 First Quarter

Presidents Report...

I am excited with the prospect of 2017 and am confident that with everyone's participation and assistance we will be able to accomplish many things this upcoming year. I first joined the Los Feliz Village Business Improvement District to give

our business community this year. I believe that Los Feliz is, and will always be one of the greatest communities to live and shop/dine in. Over the past few years I have assisted and been involved with local projects to beautify our three major



DEDICATED TO IMPROVING AND PROMOTING
BUSINESS IN LOS FELIZ VILLAGE

back to my community. My decision to get more involved with my neighborhood has enabled my goals of bringing residents and the business community together. I look forward to working with the Los Feliz businesses to make Los Feliz a better place, and am humbled to be serving as President. I am proud of our committees and the hard work they will be doing for

business streets; Vermont, Hillhurst and Hollywood Blvd. My focus for the LFVBID this year will be more outreach to local businesses to help them see the value of the LFVBID and to increase business revenue for all the LFVBID's businesses through more marketing, public relations and communication, especially social media.

Board of Directors

• • •

Rafik Ghazarian

President

Berkshire Hathaway

Sarah Loveless

Vice President

Glaze Fire

Chris Serrano

Treasurer

Berkshire Hathaway

Aimee Benell

Secretary

Coldwell Banker

Rosa Marie Spinoso

Rocco's Italian Deli

Cat Martinez

Sumi's

Mardi Kari

ArcStone Financial

Ziad Richa

Desert Rose Restaurant

Dino Pantazis

Good Greek Grill

**6.2 Exhibit 2 – May 17, 2017 email from R. Ghazarian to LFVBIDC
Board of Directors**

Subject: Fwd: Urban Air Market

From: rafikg76@gmail.com

Date: 06/16/2017 02:43 PM

To: jbriggs@jbriggsllaw.com

Subject: Urban Air Market

From: Rafik Ghazarian <rafikg76@gmail.com <mailto:rafikg76@gmail.com>> >

To: s ch <serranochilipepper@yahoo.com

<mailto:serranochilipepper@yahoo.com>> >,Aimee Benell

<aimee.benell@gmail.com <mailto:aimee.benell@gmail.com>> >,Good Grill

<goodgreekgrill@gmail.com <mailto:goodgreekgrill@gmail.com>> >,Ziad Richa

<desertroselal@gmail.com <mailto:desertroselal@gmail.com>> >,Sarah

Loveless <sarah.s.loveless@gmail.com <mailto:sarah.s.loveless@gmail.com>>

,Mardi Kari <mardi@arcstoneinc.com <mailto:mardi@arcstoneinc.com>>

,Catherine 'Cat' Martinez <press@sumisanywhere.com

<mailto:press@sumisanywhere.com>> >,R Bella <rosa44bella@gmail.com

<mailto:rosa44bella@gmail.com>> >,"Allison B. Cohen"

<allisoncohen@mac.com <mailto:allisoncohen@mac.com>> >

Time: 2017-05-17T19:09:35.000Z

Good afternoon LFVBID members,

I have reserved a corner booth for us to represent the Los Feliz Village BID at the Urban Air Market. What I will be doing is making a spreadsheet of our businesses that we can hand out to attendees that day. Let me know if there is anything else you feel we should hand out. This will be a great opportunity for the LFVBID to get exposure. Please let me know by this Friday, May 19th if you can participate and assist in the booth. We will be sharing our space with the Los Feliz Improvement Association. Thank you.

Rafik Ghazarian

President

Los Feliz Village BID

**6.3 Exhibit 3 – May 17 – June 1, 2017 email discussion among
LFVBIDC Board of Directors**

Subject: Fwd: Fwd: Re: Urban Air Market

From: rafikg76@gmail.com

Date: 06/16/2017 01:53 PM

To: jbriggs@jbriggslaw.com

---Forwarded using Multi-Forward Chrome Extension

<<https://chrome.google.com/webstore/detail/multi-forward-for-gmail/ijmdp>

lljmniahpamcmabdnahmjdlikpm> ---

From: rafikg76@gmail.com <<mailto:rafikg76@gmail.com>>

Date: Sat Jun 17 2017 06:50:43 GMT+1000 (AEST)

Subject: Fwd: Re: Urban Air Market

To: jbriggs@jbriggslaw.com <<mailto:jbriggs@jbriggslaw.com>>

---Forwarded using Multi-Forward Chrome Extension

<<https://chrome.google.com/webstore/detail/multi-forward-for-gmail/ijmdp>

lljmniahpamcmabdnahmjdlikpm> ---

From: s ch

Date: Thu Jun 01 2017 10:57:30 GMT+1000 (AEST)

Subject: Re: Urban Air Market

To: Sarah Loveless

Cc: R Bella , Allison Cohen , Ziad Richa , Rafik Ghazarian , Aimee Benell , Good Grill , Mardi Kari , "Catherine 'Cat' Martinez"

Small car issue is mine as well, Sarah. Does anyone willing who has a larger vehicle?

Rafik says he's working on logistics tonight.

Sent from my iPhone

On May 31, 2017, at 5:54 PM, Sarah Loveless <sarah.s.loveless@gmail.com> <<mailto:sarah.s.loveless@gmail.com>> > wrote:

I can try to pick them all up but my car is small. Any chance you know how many boxes there are?

What's the plan for taking payments? Does the BID have a Square account or reader?

Glaze Fire will have a booth so I will not be able to man the BID stand. Do we have a tent? or any signage? Is someone handling all of the logistics?

Thanks

S

On Wed, May 31, 2017 at 12:38 PM, Chris Serrano <serranochilipepper@yahoo.com> <<mailto:serranochilipepper@yahoo.com>> > wrote:

I have no problem delivering check on Friday but have no room in my car for all those t-shirts....nor place to store them. Can someone else pick them up?!

Chris Serrano
Berkshire Hathaway HomeServices, California Properties
Branch Manager, Los Feliz Office
President of the Los Feliz Village Business Improvement District
323-671-1219 <tel:(323)%20671-1219> direct
323-314-0715 <tel:(323)%20314-0715> cell
chris.serrano@bhhsca.com
<<mailto:chris.serrano@prula.com>>
serranochilipepper@yahoo.com
<<mailto:serranochilipepper@yahoo.com>>

From: R Bella <rosa44bella@gmail.com>
<<mailto:rosa44bella@gmail.com>> >
To: Sarah Loveless <sarah.s.loveless@gmail.com>
<<mailto:sarah.s.loveless@gmail.com>> >
Cc: Allison Cohen <allisoncohen@mac.com>
<<mailto:allisoncohen@mac.com>> >; Ziad Richa <desertroselal@gmail.com>
<<mailto:desertroselal@gmail.com>> >; Rafik Ghazarian <rafikg76@gmail.com>
<<mailto:rafikg76@gmail.com>> >; Aimee Benell <aimee.benell@gmail.com>
<<mailto:aimee.benell@gmail.com>> >; s ch <serranochilipepper@yahoo.com>
<<mailto:serranochilipepper@yahoo.com>> >; Good Grill
<goodgreekgrill@gmail.com> <<mailto:goodgreekgrill@gmail.com>> >; Mardi
Kari <mardi@arcstoneinc.com> <<mailto:mardi@arcstoneinc.com>> >; Catherine
'Cat' Martinez <press@sumisanywhere.com> <<mailto:press@sumisanywhere.com>>

Sent: Wednesday, May 31, 2017 12:20 PM
Subject: Re: Urban Air Market

Attached is invoice for tshirts. They will be ready on Friday.
Chris, Bill asked that check be made payable to Ted Moss and paid before or upon pickup. Please let me know if you prefer to deliver check and pickup tshirts.

Thanks!
Rosa
Looks good!

Thank you

S

On Thu, May 25, 2017 at 8:12 AM, s ch
<serranochilipepper@yahoo.com> <<mailto:serranochilipepper@yahoo.com>> >
wrote:

I agree, all navy....no red. I think size breakdown is fine.

Sent from my iPhone

On May 25, 2017, at 6:09 AM, Aimee Benell
<aimee.benell@gmail.com> <<mailto:aimee.benell@gmail.com>> > wrote:

No red. All Navy.

On May 24, 2017 11:31 PM, "Rafik Ghazarian" <rafikg76@gmail.com> <<mailto:rafikg76@gmail.com>> > wrote:

I think all navy t shirts are good and you're spot on with the breakdown.

Rafik

On May 24, 2017 11:08 PM, "R Bella" <rosa44bella@gmail.com> <<mailto:rosa44bella@gmail.com>> > wrote:

Hi All,

So, we will order 100 Gildan t-shirts.... white lettering... same logo!

1. Re: Color. 100 Navy? OR 50 Navy and 50 Red? (If he has the shirts in stock, price is the same as long as graphics is the same.)

2. Re: Sizes. Do you agree with this breakdown?

YM - 10 S - 25 M - 30 L - 25 XL - 10

Please provide input regarding color and breakdown of sizes, and I will get the order placed by Friday morning.

Thanks!
Rosa

On Fri, May 19, 2017 at 10:21 AM, Aimee Benell <aimee.benell@gmail.com <<mailto:aimee.benell@gmail.com>> > wrote:

I concur, the quality is quite good.

Aimee Benell
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323.369.7065 mobile

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2435 Lyric Avenue 90027
<<http://www.citysanctum.com/listing/mlsid/301/propertyid/17219352/>>

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<<http://www.citysanctum.com/listing/mlsid/301/propertyid/17214382/source/crm/>>

<<http://www.citysanctum.com/sell/>>

<<https://docs.google.com/uc?export=download&id=0B50h0wbI0OenVm1aY0NwTUVRMzA&revid=0B50h0wbI0OenV2RuZm9Tb3hEMDNMUTZoL2kyUzJtVnB1RkFJPQ>>

On Fri, May 19, 2017 at 9:22 AM, Rafik Ghazarian <rafikg76@gmail.com <<mailto:rafikg76@gmail.com>> > wrote:

Good morning all,

attached is the copy we had from the printer last year. The quality of the t shirt is very good.

Rafik Ghazarian
President
Los Feliz Village BID

On Fri, May 19, 2017 at 8:54 AM, R Bella <rosa44bella@gmail.com <<mailto:rosa44bella@gmail.com>> > wrote:

The shirts are a very dark navy, almost black. Graphics attached.

Btw, I removed Adam, Rita, and Nyla from the chain since the discussion doesn't involve them.

Rosa

On May 19, 2017 7:46 AM, "Sarah Loveless" <sarah.s.loveless@gmail.com <<mailto:sarah.s.loveless@gmail.com>> > wrote:

May we see the graphic for the T-shirt?
What is the texture of the T-shirt?

In general I think black is better, but would like to see this product before we spend \$600 on it.

S

On Thu, May 18, 2017 at 5:06 PM, R Bella
<rosa44bella@gmail.com <<mailto:rosa44bella@gmail.com>> > wrote:

Please give me specific quantities of
each size. Thanks!

Rosa

On May 18, 2017 2:16 PM, "Rafik
Ghazarian" <rafikg76@gmail.com <<mailto:rafikg76@gmail.com>> > wrote:

we had voted to order t shirts for the
clean up but didn't go through with it. I think a good mix of all sizes
but the majority in medium and large. We are ordering 100? Also let's
discuss what price to sell them at.

Rafik Ghazarian

On Thu, May 18, 2017 at 2:05 PM, s ch
<serranochilipepper@yahoo.com <<mailto:serranochilipepper@yahoo.com>> >
wrote:

Maybe we should change it up & do
different color? Does that change price..... just a thought. I think M
& L most used size but should get some S, XS & XL's.

Sent from my iPhone

On May 18, 2017, at 1:51 PM, R Bella
<rosa44bella@gmail.com <<mailto:rosa44bella@gmail.com>> > wrote:

Confirmed... \$6.00 is the price for same
Gildan shirts - white on navy. Please let me know if you want me to
place the order, also what is the desired break down of sizes.

Does this need a vote of the board?

Fyi... Bill will only collect tax on
\$6.00. Not sure if this is issue.

Take care,
Rosa

On May 17, 2017 8:30 PM, "Rafik
Ghazarian" <rafikg76@gmail.com <<mailto:rafikg76@gmail.com>> > wrote:

That would be great. We can discuss at
next meeting.

On May 17, 2017 8:04 PM, "s ch"
<serranochilipepper@yahoo.com <<mailto:serranochilipepper@yahoo.com>> >
wrote:

I think both Rosa, Marci at Co-Op &
Y-Que were willing to sell the t-shirts not sold..... if not mistaken.

Sent from my iPhone

On May 17, 2017, at 6:34 PM, Rafik
Ghazarian <rafikg76@gmail.com <<mailto:rafikg76@gmail.com>> > wrote:

Thanks Rosa. Can you get a quote for
100 t shirts. The problem is that we don't have a place to store them.
Rafik

On May 17, 2017 5:38 PM, "R Bella"
<rosa44bella@gmail.com <<mailto:rosa44bella@gmail.com>> > wrote:

I talked with Bill, the owner, several
months back. Price depends upon the quantity. He told me about \$6
each.

The challenging question is what would

be the selling price on each shirt. In order to avoid the BID paying sales tax, we would pay him up front for the tax at our sales price.

Rosa

On May 17, 2017 4:21 PM, "Aimee Benell"

<aimee.benell@gmail.com <<mailto:aimee.benell@gmail.com>> > wrote:

I'm good in the morning.

I do not remember which board member facilitated the shirts being made last year, but I believe Y-Que made them.

If someone can confirm who their contact person was, I could follow up. Also, we must have a receipt somewhere. We had them made for last year's Big Sunday, so the bill should be from April or May 2016?

Aimee Benell
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<<https://docs.google.com/uc?export=download&id=0B50h0wbI0OenVm1aY0NwTUVRMzA&revid=0B50h0wbI0OenV2RuZm9Tb3hEMDNMUTZoL2kyUzJtVnB1RkFJPQ>>

On Wed, May 17, 2017 at 3:32 PM, Rafik Ghazarian <rafikg76@gmail.com <<mailto:rafikg76@gmail.com>> > wrote:

Thanks Aimee. Are you available morning or afternoon?

On Wed, May 17, 2017 at 3:16 PM, Aimee Benell <aimee.benell@gmail.com <<mailto:aimee.benell@gmail.com>> > wrote:

Also, I can woman the booth for some time on the day of the event. ☺☺

Aimee Benell
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<https://docs.google.com/uc?export=download&id=0B50h0wbI0OenVm1aY0NwTUVRMzA&revid=0B50h0wbI0OenV2RuZm9Tb3hEMDNMUTZoL2kyUzJtVnB1RkFJPQ>

On Wed, May 17, 2017 at 3:04 PM, R Bella

rosa44bella@gmail.com <mailto:rosa44bella@gmail.com> > wrote:

Great idea, Aimee!!

On May 17, 2017 2:51 PM, "Aimee Benell"

aimee.benell@gmail.com <mailto:aimee.benell@gmail.com> > wrote:

What's the chance of making a bunch of
the Los Feliz Village T's that everyone loves so much?

We can sell and earmark money for
something that is of benefit to the Village or, make a donation to a
worthy cause, if within the by-laws.

Aimee Benell
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<http://www.citysanctum.com/sell/>

<https://docs.google.com/uc?export=download&id=0B50h0wbI0OenVm1aY0NwTUVRMzA&revid=0B50h0wbI0OenV2RuZm9Tb3hEMDNMUTZoL2kyUzJtVnB1RkFJPQ>

On Wed, May 17, 2017 at 12:48 PM, Rafik
Ghazarian rafikg76@gmail.com <mailto:rafikg76@gmail.com> > wrote:

Thanks Chris. Please give me a copy of
it to update.

Rafik

On Wed, May 17, 2017 at 12:44 PM, s ch

<serranochilipepper@yahoo.com <<mailto:serranochilipepper@yahoo.com>> >
wrote:

I'm happy to help work the booth for an AM shift that day. We should have our "what does the BID do for you" sheets on display. They were to be updated though & don't know if that happened.

Sent from my iPhone

On May 17, 2017, at 12:09 PM, Rafik Ghazarian <rafikg76@gmail.com <<mailto:rafikg76@gmail.com>> > wrote:

Good afternoon LFVBID members,

I have reserved a corner booth for us to represent the Los Feliz Village BID at the Urban Air Market. What I will be doing is making a spreadsheet of our businesses that we can hand out to attendees that day. Let me know if there is anything else you feel we should hand out. This will be a great opportunity for the LFVBID to get exposure. Please let me know by this Friday, May 19th if you can participate and assist in the booth. We will be sharing our space with the Los Feliz Improvement Association. Thank you.

Rafik Ghazarian
President
Los Feliz Village BID

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Rafik Ghazarian

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